

May 4, 2006: Norton Introduces D.C. National Guard Bill to Put Mayor on Par with Governors

Norton Introduces Free and Equal D.C. National Guard Deployment Bill to Put Mayor on Par with Governors for Homeland Security and Natural Disasters
May 4, 2006

Washington, DC—Congresswoman Eleanor Holmes Norton (D-DC) today introduced the D.C. National Guard Homeland Security Act to give the Mayor of the District of Columbia the same authority over the District of Columbia National Guard (DCNG) as the governors of all 50 states have over their Guard units. The DCNG Act is the sixth bill in the “Free and Equal D.C.” series. This series includes bills that remedy obsolete or inappropriate intervention into the local affairs of the District of Columbia or denials of federal benefits or recognition routinely granted to other jurisdictions. The other bills in the series address budget autonomy, legislative autonomy, and the Hatch Act, and bills to allow the District to have a coin and statues in the Capitol.

Norton, a Member of the Homeland Security Committee, said that this bill is necessary now more than at any time in the District’s history. “In most circumstances involving a suspected terrorist incident and in all circumstances constituting local emergencies, the Mayor of the District of Columbia should have the same authority as governors,” Norton said in her introductory statement. The National Guards in the 50 states operate under similar dual federal and local jurisdiction, but only the President has the authority to call up the D.C. National Guard for any purpose, local or national. “The Mayor, who knows the city better than any federal official and works closely with federal security officials, should be able to call on the DCNG to cover events such as natural disasters or civil disturbances without relying on the President, who may be preoccupied with national matters, including perhaps war or security matters, or relying on a delegated official with little familiarity with the city,” Norton said. “It does no harm to give the Mayor the authority. It could do great harm to leave him powerless to act quickly. If it makes sense that a governor would have control over the mobilization and deployment of the state National Guard, it makes the same sense for the Mayor of the District of Columbia, with a population the size of that of small states, should have the same authority.”

Norton’s bill would not deprive the President of his authority over the D.C. National Guard because he could still nationalize the Guard at will.

Norton’s full introductory statement follows.

I introduce the sixth bill in the Free and Equal D.C. series. This series includes measures that all involve obsolete or inappropriate intervention into the local affairs of the District of Columbia. The other bills in the series are the District of Columbia Budget Autonomy Act, the District of Columbia Legislative Autonomy Act, the District of Columbia Hatch Reform Act and bills allowing the District to have a coin and statues in the Capitol. This bill would give the Mayor of the District of Columbia the same authority over the District of Columbia National Guard (DCNG) as the governors of all 50 States have over their guard units. My work on the Homeland Security Committee convinces me that this bill is necessary now more than at any time in the District’s history. In most circumstances involving a suspected terrorist incident and in all circumstances constituting local emergencies, the Mayor of the District of Columbia should have the same authority as governors. The National Guards in the 50 states operate under similar dual federal and local jurisdiction. Yet the President of the United States as the Commander in Chief alone has the authority to call up the D.C. National Guard for any purpose here, local or national. Each governor, however, as the head of state, has the authority to mobilize the National Guard to protect the local jurisdiction, just as local militia did historically. Today, the most likely need is to call upon the National Guard to restore order in the wake of civil disturbances and natural disasters. Today it could prove necessary to act quickly without knowing the origin of an event. The Mayor, who knows the city better than any federal official and works closely with federal security officials, should be able to call on the DCNG to cover local natural disasters or civil disturbances without relying on the President, who may be preoccupied with national matters, including perhaps war or security matters, or relying on a delegated official with little familiarity with the city. It does no harm to give the Mayor the authority. However, it could do great harm to leave him powerless to act quickly. If it makes sense that a governor would have control over the mobilization and deployment of the state National Guard, it makes the same sense for the Mayor of the District of Columbia, with a population the size of that of small states, should have the same authority.

The Mayor of the District of Columbia, acting as head of state, should have the authority to call upon the DCNG in instances that do not rise to the level of federal importance necessary to implicate the authority of the President. Today requiring action by the President of the United States could endanger the life and health of D.C. residents, visitors and federal employees. Procedures that require the Mayor to request the needed assistance from the Commander in Chief

for a local National Guard matter are as old as the republic, and are dangerously obsolete. This bill would deprive the President of his authority over the D.C. National Guard. The President could still nationalize the Guard at will, as he can with the Guards of the 50 states, and particularly here in the nation's capital.

Following the September 11th terrorist attacks, I succeeded in including a provision in the Homeland Security Act recognizing that the District of Columbia must be an integral part of the planning, implementation, and execution of national plans to protect city residents, federal employees, and visitors by including the District of Columbia, as a separate and full partner and first responder in federal domestic preparedness legislation. At a minimum, such recognition also demonstrates the respect for local governance and home rule that every jurisdiction that recruits members of the military to its National Guard deserves, especially today when the Guards are no longer weekend warriors, as the Iraq war demonstrates. The confusion that accompanied the September 11 attack plainly showed the danger inherent in allowing bureaucratic steps to stand in the way of responding to emergencies in the nation's capital. September 11 has made local control of the DCNG an imperative.

This bill is another important step necessary to complete the transfer of full self-government powers to the District of Columbia that Congress itself began with the passage of the Home Rule Act of 1973. District authority over its own National Guard apparently was not raised during the Home Rule Act process. However, it was almost unthinkable then that there would be war in the homeland, much less terrorist threats to the nation's capital. What should be unthinkable after 9-11 in an era of global terrorism is allowing to stand old and antiquated layers. Giving the mayor of the District of Columbia authority to call up the National Guard could make the difference in protecting the safety of the residents, federal employees, and visitors alike. I urge my colleagues to support this bill.